

AO 440 (Rev. 03/08) Civil Summons (and 6/08)

Clear Form

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UNITED STATES DISTRICT COURT

for the

NORTHERN DISTRICT OF CALIFORNIA

MELANIE POLK-STAMPS, individually, on
behalf of Herself and on behalf of all others
similarly situated,

Plaintiff

v.

NETFLIX, INC., WAL-MART STORES, INC.,
and, WALMART.COM USA LLC

Defendant

CV 09

0244

JCS

Civil Action No.

Summons in a Civil Action

To: Netflix, Inc., Wal-Mart Stores, Inc., and Walmart.com USA LLC (See attached list)

(Defendant's name)

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Daniel C. Girard
Elizabeth C. Pritzker
Alex C. Turan
Girard Gibbs LLP
601 California street, Suite 1400
San Francisco, CA 94108

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Richard W. Wicking

Name of clerk of court

Date:

JAN 20 2009

Deputy clerk's signature

MARY ANN BUCKLEY

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

Proof of Service

I declare under penalty of perjury that I served the summons and complaint in this case on Netflix, Inc.
by:

(1) personally delivering a copy of each to the individual at this place, _____; or

(2) leaving a copy of each at the individual's dwelling or usual place of abode with _____
who resides there and is of suitable age and discretion; or

(3) delivering a copy of each to an agent authorized by appointment or by law to receive it whose name is
Deng LaPorta; or

(4) returning the summons unexecuted to the court clerk on _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

Date: 02-02-2009

Daniel Kleman
Server's signature

Daniel Kleman, Process Server
Printed name and title

45352 Tournament Lane

Temecula, CA 92592
Server's address

Summons in a Civil Action

Netflix, Inc.
100 Winchester Circle
Los Gatos, California 95032

Wal-Mart Stores, Inc.
702 S.W. 8th Street
Bentonville, Arkansas 72716

Walmart.com
7000 Marina Blvd.
Brisbane, CA 94005